

House Resolution

No. 16

Introduced by Assembly Members Nava and Eng

May 13, 2009

House Resolution No. 16—Relative to hate crimes.

1 WHEREAS, The Assembly finds and declares all of the
2 following:

3 (1) The incidence of violence motivated by the actual or
4 perceived race, color, religion, national origin, gender, sexual
5 orientation, gender identity, or disability of the victim poses a
6 serious national problem.

7 (2) Such violence disrupts the tranquility and safety of
8 communities and is deeply divisive.

9 (3) State and local authorities are now and will continue to be
10 responsible for prosecuting the overwhelming majority of violent
11 crimes in the United States, including violent crimes motivated by
12 bias. These authorities can carry out their responsibilities more
13 effectively with greater federal assistance.

14 (4) Existing federal law is inadequate to address this problem.

15 (5) A prominent characteristic of a violent crime motivated by
16 bias is that it devastates not just the actual victim and the family
17 and friends of the victim, but frequently savages the community
18 sharing the traits that caused the victim to be selected.

19 (6) Federal jurisdiction over certain violent crimes motivated
20 by bias enables federal, state, and local authorities to work together
21 as partners in the investigation and prosecution of such crimes.

22 (7) The problem of crimes motivated by bias is sufficiently
23 serious, widespread, and interstate in nature as to warrant federal

1 assistance to states, local jurisdictions, and Indian tribes; now,
2 therefore, be it

3 *Resolved by the Assembly of the State of California*, That the
4 Assembly thanks the United States House of Representatives for
5 its support of the Local Law Enforcement Hate Crimes Prevention
6 Act and calls on the United States Senate to swiftly pass the Senate
7 companion measure, the Matthew Shepard Hate Crimes Prevention
8 Act; and be it further

9 *Resolved*, That the Assembly urges the President of the United
10 States to sign into law the Matthew Shepard Hate Crimes
11 Prevention Act, to accomplish all of the following:

12 (1) Authorize the United States Attorney General to provide
13 technical, forensic, prosecutorial, or other assistance in the criminal
14 investigation or prosecution of violent, bias-motivated crime.

15 (2) Update and expand existing federal hate crimes law to ensure
16 that hate crimes based on the actual or perceived race, color,
17 religion, national origin, gender, sexual orientation, gender identity,
18 or disability of the victim are fully investigated and prosecuted.

19 (3) Direct the United States Attorney General to give priority
20 for such assistance, with respect to crimes committed by offenders
21 who have committed crimes in more than one state.

22 (4) Authorize the Attorney General to award grants to assist
23 state, local, and Indian law enforcement agencies, for rural
24 jurisdictions, that have difficulty covering the extraordinary
25 investigation or prosecution expenses involved in these cases.

26 (5) Direct the United States Office of Justice Programs to work
27 closely with funded jurisdictions to ensure that the concerns and
28 needs of all affected parties are addressed.

29 (6) Allow grants to state, local, or tribal programs designed to
30 combat hate crimes committed by juveniles.

31 (7) Require the Attorney General to acquire data on crimes that
32 manifest evidence of prejudice based on gender and gender identity;
33 and be it further

34 *Resolved*, That the Chief Clerk of the Assembly transmit copies
35 of this resolution to the author for appropriate distribution.

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